

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

J. ROBERT SMITH, Individually and On Behalf of All Others Similarly Situated,	:	Case No. 3:12-cv-281-TSB
	:	
	:	Judge Timothy S. Black
Plaintiffs,	:	
	:	
vs.	:	ORDER
	:	
ROBBINS & MYERS, INC., <i>et al.</i>,	:	
	:	
Defendants.	:	

This matter comes before the Court on the parties' Joint Motion to Modify Scheduling (Doc. 49). The Court acknowledges that the parties have agreed as follows:


1. Plaintiff will not seek any injunctive/equitable relief to delay, block, or interfere with the December 27, 2012 shareholder vote (or any adjournment thereof) to approve the merger agreement between Defendants Robbins & Myers, Inc. and NOV/Raven Process Corporation (or any amendments thereof) or the closing of such merger;
2. Defendants will withdraw their Motion to Dismiss the Second Amended Complaint, without prejudice to filing a new Motion to Dismiss (Doc. 46), mooted the current briefing schedule set forth by the Court on December 4, 2012;
3. Defendants consent to Plaintiff filing a Third Amended Complaint, amending to seek money damages as opposed to injunctive relief;
4. Plaintiff shall file the Third Amended Complaint within 30 days of the date of the closing of the merger; and

5. Defendants shall have 30 days from the filing of the Third Amended Complaint to respond, including the filing of any Motion to Dismiss the Third Amended Complaint.

For good cause shown, the Court hereby grants the parties' Motion and orders that:

1. Defendants Motion to Dismiss the Second Amended Complaint (Doc. 46) is withdrawn, without prejudice to filing a new Motion to Dismiss, rendering moot the current briefing schedule set forth by the Court on December 4, 2012;
2. Plaintiff shall file the Third Amended Complaint within 30 days of the date of the closing of the merger; and
3. Defendants shall file their response, including any Motion to Dismiss the Third Amended Complaint, within 30 days thereafter.

IT IS SO ORDERED this 19th day of December, 2012.


HONORABLE TIMOTHY S. BLACK
U.S. District Judge